

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

C&S WHOLESALE GROCERS, INC.,

Plaintiff,

v.

GROCERY HAULERS, INC.,

Defendant.

Civil Action No: 1-11-cv-00127-LM

JOINT STIPULATION AND ORDER

**WHEREAS**, the present matter, a contract dispute between the Plaintiff C&S Wholesale Grocers, Inc. (“C&S”) and Defendant Grocery Haulers, Inc. (“Grocery Haulers”), currently has a discovery deadline of January 11, 2013;

**WHEREAS**, the parties are also currently engaged in litigating two parallel proceedings, both pending before Judge Rakoff in the Southern District of New York captioned *Grocery Haulers, Inc. v. C&S Wholesale Grocers, Inc.*, No. 11-CV-3130, and *Grocery Haulers, Inc. v. C&S Wholesale Grocers, Inc.*, No. 12-CV-2651;

**WHEREAS**, the litigation captioned *Grocery Haulers, Inc. v. C&S Wholesale Grocers Inc.*, No. 11-CV-3130 has a trial date of January 28, 2013 and the parties are actively preparing for trial;

**WHEREAS**, the parties are actively engaged in serious settlement discussions in connection with this litigation as well as the two New York litigations;

**WHEREAS**, the parties in the present case have been conducting deposition discovery over the past several weeks,

**WHEREAS**, there remain a number of additional depositions to be taken by the parties in the event no settlement is reached in the current matter;

**WHEREAS**, Plaintiff's Motion to Compel Further 30(b)(6) Testimony and For Sanctions is currently pending before the Court, and C&S's motion for leave to file a reply must be filed by January 18, 2013 pursuant to Local Rule 7.1(e)(2); and

**WHEREAS**, the parties have conferred and agreed that it would be in their mutual interests to seek an extension of the discovery deadline in this matter so that they may focus their attention and resources toward their settlement negotiations;

**NOW THEREFORE**, the parties hereby stipulate and agree, and propose to the Court for entry as an Order, that the discovery plan proposed by the parties and entered by the Court on November 7, 2012, and also the date by which C&S must move for leave to reply to Grocery Haulers's objection to C&S's motion to compel and for sanctions, be modified as follows:

Date for C&S's motion for leave to reply to Grocery Haulers's objection to C&S's motion to compel and for sanctions:	February 22, 2013
Date fact discovery will be completed:	April 12, 2013
Date for filing of Motions for Summary Judgment:	May 1, 2013
Date for trial:	October 16, 2013 <sup>1/</sup>

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<sup>1/</sup> A September 17, 2013 trial date conflicts with Grocery Haulers's counsel's pre-existing trial schedule in another, unrelated matter

Dated: January 8, 2013

**C&S WHOLESALE GROCERS, INC.,**

By its attorneys,

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**GROCERY HAULERS, INC.**

By its attorneys,

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**SO ORDERED:**

/s/ Landya B. McCafferty  
Hon. Landya B. McCafferty

Date: 1/9/2013

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